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BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE
DOMESTIC QUARANTINE NOTICESBLACK STEM RUST QUARANTINE
(Quarantine No. 38)ADMINISTRATIVE INSTRUCTIONS DESIGNATING RUST-RESISTANT
SPECIES AND VARIETIES OF BARBERRY, MAHONIA,
AND MAHOBERBERIS

Pursuant to the authority conferred by § 301.38-5 of the regulations supplemental to Black Stem Rust Quarantine No. 38 (7 CFR § 301.38-5, 14 F.R. 999), the following administrative instructions are hereby issued to designate the rust-resistant species and horticultural varieties of barberries, mahonias, and mahoberberis (1) the plants of which may be moved interstate under permit, and (2) the seeds and fruits of which, if produced in any of the States of Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, may be moved between or from such States only under permit or, wherever produced, may be moved between States other than those named, without restriction:

§ 301.38-5 Administrative instructions; designation of rust-resistant barberry, mahonia, and mahoberberis plants. The following species and horticultural varieties of barberries, mahonias, and mahoberberis are hereby designated as rust-resistant:

Berberis beaniana
Berberis buxifolia
Berberis buxifolia nana
Berberis candidula
Berberis chenaultii
Berberis circumserrata
Berberis concinna
Berberis darwinii
Berberis gagnepainii
Berberis gilgiana
Berberis horvathii
Berberis julianae
Berberis koreana
Berberis linearifolia var. Orange King
Berberis montorensis
Berberis potanini
Berberis sanguinea
Berberis sargentiana
Berberis stenophylla
Berberis stenophylla diversifolia
Berberis stenophylla nana compacta
Berberis thunbergii



Berberis thunbergii atropurpurea
Berberis thunbergii erecta
Berberis thunbergii "globe"
Berberis thunbergii "golden"
Berberis thunbergii maximowiczii
Berberis thunbergii minor
Berberis thunbergii pluriflora
Berberis thunbergii "thornless"
Berberis thunbergii "variegata"
Berberis triacanthophora
Berberis verruculosa
Mahonia aquifolium
Mahonia bealei
Mahonia dictyota
Mahonia nervosa
Mahonia pinnata
Mahonia repens

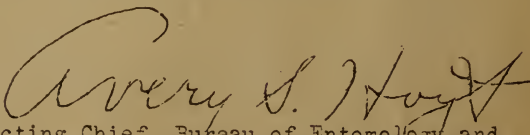
The purpose of these administrative instructions is to relieve commerce by designating the rust-resistant species and horticultural varieties of barberries, mahonias, and mahoberberis which are eligible for interstate movement under permit.

In order to be of maximum benefit to the public the designation of these rust-resistant species and varieties of barberries, mahonias, and mahoberberis should be made effective as soon as possible. Since these administrative instructions relieve restrictions, they are within the exception in section 4 (c) of the Administrative Procedure Act and may properly be made effective less than 30 days after their publication in the Federal Register.

Accordingly, these instructions shall become effective on May 1, 1949, when they shall supersede B.E.P.Q. 385, Fourth Revision, effective January 24, 1945 (7 CFR 1945 Supp. § 301.38a), and B.E.P.Q. 385, Fourth Revision, Supplement 1, effective March 15, 1948 (7 CFR § 301.38a 13 F.R. 1503).

(Sec. 3, 37 Stat. 318, as amended; 7 U.S.C. 161)

Done at Washington, D. C. this 8th day of April, 1949.


Acting Chief, Bureau of Entomology and
Plant Quarantine